

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

See Attached Penalty Sheet

**E-filing**
☐ Petty  
☐ Minor  
☒ Misdemeanor  
☐ Felony

 PENALTY: Maximum Prison Term: 6 months  
 Maximum Fine \$5,000  
 Mandatory Special Assessment: \$10

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA
**DEFENDANT - U.S.**

▶ THOMAS ANDREW MCKINLEY

DISTRICT COURT NUMBER

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Department of the Interior, US Park Police

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.  
 Attorney (if assigned) WENDY THOMAS
**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed? ☐ Yes ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

**PENALTY SHEET**

**Offenses Charged:**

**Count One:**            **36 C.F.R. § 1004.23(a)(1) - Operating Under the Influence of Alcohol or Drugs - Class B Misdemeanor**

Maximum Prison Term:        6 months imprisonment  
Maximum Fine:                \$5,000  
Special Assessment:         \$10

**Count Two:**            **36 C.F.R. § 1004.23(a)(2) - Driving with a Blood Alcohol Content above 0.08% - Class B Misdemeanor**

Maximum Penalties  
Maximum Prison Term:        6 months  
Maximum Fine:                \$5,000  
Special Assessment:         \$10

**Count Three:**            **36 C.F.R. § 1004.22(b)(3) -Unsafe operation - Class B Misdemeanor**

Maximum Prison Term:        6 months imprisonment  
Maximum Fine:                \$5,000  
Special Assessment:         \$10

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

E-filing

FILED  
03 MAR 10 PM 3:52  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS ANDREW MCKINLEY,

Defendant.

No.

**VIOLATION:** 36 C.F.R. § 1004.23(a)(1) -  
Driving under the Influence of Alcohol  
(Class B Misdemeanor); 36 C.F.R. §  
1004.23(a)(2) - Driving with a Blood  
Alcohol Content above 0.08% (Class B  
Misdemeanor); 36 C.F.R. § 1004.22(b)(3) -  
Unsafe Operation of a Vehicle (Class B  
Misdemeanor)

SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

**COUNT ONE:** 36 C.F.R. § 1004.23(a)(1) - Driving under the Influence of Alcohol

On or about November 1, 2007, in the Northern District of California, within the boundaries  
of an area administered by the Presidio Trust, the defendant,

THOMAS ANDREW MCKINLEY,

did operate and was in actual physical control of a motor vehicle while under the influence of  
alcohol to a degree that rendered him incapable of safe operation, in violation of Title 36, Code  
of Federal Regulations, Section 1004.23(a)(1), a Class B Misdemeanor.

INFORMATION

1 COUNT TWO: 36 C.F.R. § 1004.23(a)(2) - Driving with a Blood Alcohol Content above 0.08%

2 On or about November 1, 2007, in the Northern District of California, within the boundaries  
3 of an area administered by the Presidio Trust, the defendant,

4 THOMAS ANDREW MCKINLEY,

5 did operate and was in actual physical control of a motor vehicle while having at least 0.08 %, by  
6 weight, of alcohol in his blood, in violation of Title 36, Code of Federal Regulations,  
7 Section 1004.23(a)(2) a Class B Misdemeanor.

8 COUNT THREE: 36 C.F.R. § 1004.22(b)(3) - Unsafe Operation of a Vehicle

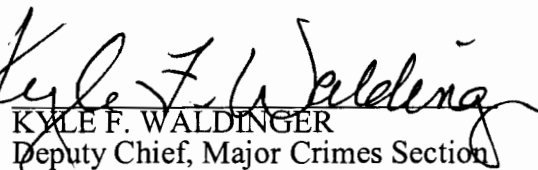
9 On or about November 1, 2007, in the Northern District of California, within the boundaries  
10 of an area administered by the Presidio Trust, the defendant,


11 THOMAS ANDREW MCKINLEY,

12 failed to maintain that degree of control of a motor vehicle necessary to avoid danger to property,  
13 in violation of Title 36, Code of Federal Regulations, Section 1004.22(b)(3) a Class B  
14 Misdemeanor.

15  
16 DATED: March 5, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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19 KYLE F. WALDINGER  
20 Deputy Chief, Major Crimes Section

21 (Approved as to form: )

22 WENDY THOMAS  
23 Special Assistant United States Attorney  
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INFORMATION